

REMARKS

In the Office Action mailed September 22, 2008, the Office noted that claims 1-11 were pending and rejected claim 11, allowed claims 1-10. Claims 1, 4, 5, 10 and 11 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 1-15 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

FORMALITIES

Together with the instant Application, the applicants filed a Preliminary Amendment on August 15, 2006. However, claims 12-15 submitted therewith were not examined. The Applicants respectfully request that claims 12-15 be examined.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 1-10 are allowable. The Applicants acknowledge the allowance of the claims and thank the Office for its consideration in examining these claims.

The Applicants have amended the claims to have some instances of "recording layer," to instead recite "recording area." The Applicants believe that the amendment should have no impact on patentability. Support for the term may be found in claim 1. The Applicants submit that no new matter has been added

by the amendment of the claims.

REJECTIONS under 35 U.S.C. § 101

Claim 11 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claim is directed to a program. The Applicants have amended the claim to overcome the rejection. The claim now recites in the preamble "[a] computer readable recording medium recording thereon a computer program." The Applicants submit that such a claim is statutory.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 101. It is also submitted that claims 1-15 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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